

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 74

HOUSE BILL 2305

AN ACT

AMENDING SECTION 21-202, ARIZONA REVISED STATUTES; RELATING TO JURIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 21-202, Arizona Revised Statutes, is amended to
3 read:

4 21-202. Persons entitled to be excused from jury service

5 A. It is the policy of this state that all qualified citizens have an
6 obligation to serve on juries when summoned by the courts of this state,
7 unless excused.

8 B. On timely application to the court, the following persons shall be
9 excused temporarily from service as a juror if THE JUDGE OR JURY COMMISSIONER
10 FINDS THAT any of the following applies APPLY:

11 1. The prospective juror has a mental or physical condition that
12 causes the juror to be incapable of performing jury service. The juror or
13 the juror's personal representative shall provide TO the court with OR JURY
14 COMMISSIONER a medical statement from a physician who is licensed pursuant to
15 title 32 that ~~verifies that a~~ EXPLAINS AN EXISTING mental or physical
16 condition THAT renders the person unfit for jury service. IF A PROSPECTIVE
17 JUROR DOES NOT HAVE A PHYSICIAN, THE PROSPECTIVE JUROR OR THE JUROR'S
18 PERSONAL REPRESENTATIVE SHALL PROVIDE A SWORN STATEMENT FROM A PROFESSIONAL
19 CAREGIVER FOR THE PROSPECTIVE JUROR THAT IS DEEMED ACCEPTABLE BY THE COURT OR
20 JURY COMMISSIONER AND THAT EXPLAINS THE MENTAL OR PHYSICAL CONDITION THAT
21 RENDERS THE PROSPECTIVE JUROR INCAPABLE OF PERFORMING JURY SERVICE. FOR THE
22 PURPOSES OF THIS PARAGRAPH:

23 (a) THE STATEMENT SHALL BE IN WRITING AND SHALL CONTAIN A DESCRIPTION
24 AND DURATION OF ANY MOBILITY RESTRICTIONS, THE SPECIFIC SYMPTOMS THAT MAKE
25 THE PROSPECTIVE JUROR MENTALLY OR PHYSICALLY UNFIT FOR JURY SERVICE AND THEIR
26 DURATION, THE EMPLOYMENT STATUS OF THE PROSPECTIVE JUROR AND THE PRINTED
27 NAME, SIGNATURE, PROFESSIONAL LICENSE NUMBER IF APPLICABLE, AREA OF SPECIALTY
28 AND CONTACT INFORMATION OF THE AUTHORIZING PHYSICIAN OR PROFESSIONAL
29 CAREGIVER.

30 (b) A FORM THAT COMPLIES WITH THIS PARAGRAPH SHALL BE MADE AVAILABLE
31 AT COURTHOUSES, THE ARIZONA MEDICAL BOARD WEB SITE AND OTHER APPROPRIATE
32 LOCATIONS THAT ARE IDENTIFIED BY THE COURT OR JURY COMMISSIONER.

33 (c) THESE DOCUMENTS ARE NOT PUBLIC RECORDS AND SHALL NOT BE DISCLOSED
34 TO THE GENERAL PUBLIC.

35 2. Jury service by the prospective juror would substantially and
36 materially affect the public interest or welfare in an adverse manner.

37 ~~3. Jury service would cause undue or extreme physical or financial~~
38 ~~hardship to the prospective juror or a person under the prospective juror's~~
39 ~~care or supervision. For the purposes of this paragraph:~~

40 ~~(a) A judge or jury commissioner of the court for which the person was~~
41 ~~called to jury service shall determine whether jury service would cause the~~
42 ~~prospective juror undue or extreme physical or financial hardship.~~

43 ~~(b) A person who requests to be excused under this paragraph shall~~
44 ~~take all actions necessary to obtain a ruling on the request before the date~~
45 ~~on which the person is scheduled to appear for jury duty.~~

1 ~~(c) Undue or extreme physical or financial hardship is limited to the~~
2 ~~following circumstances in which a person:~~

3 ~~(i) Would be required to abandon a person under the potential juror's~~
4 ~~care or supervision due to the impossibility of obtaining an appropriate~~
5 ~~substitute caregiver during the period of participation in the jury pool or~~
6 ~~on the jury.~~

7 ~~(ii) Would incur costs that would have a substantial adverse impact on~~
8 ~~the payment of the person's necessary daily living expenses or on those for~~
9 ~~whom the potential juror provides regular employment or the principal means~~
10 ~~of support.~~

11 ~~(iii) Would suffer physical hardship that would result in illness or~~
12 ~~disease.~~

13 ~~(iv)~~ 3. THE PROSPECTIVE JUROR is not currently capable of
14 understanding the English language.

15 4. JURY SERVICE WOULD CAUSE UNDUE OR EXTREME PHYSICAL OR FINANCIAL
16 HARDSHIP TO THE PROSPECTIVE JUROR OR A PERSON UNDER THE PROSPECTIVE JUROR'S
17 CARE OR SUPERVISION. FOR THE PURPOSES OF THIS PARAGRAPH:

18 (a) A JUDGE OR JURY COMMISSIONER OF THE COURT FOR WHICH THE PERSON WAS
19 CALLED TO JURY SERVICE SHALL DETERMINE WHETHER JURY SERVICE WOULD CAUSE THE
20 PROSPECTIVE JUROR UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP.

21 (b) A PERSON WHO REQUESTS TO BE EXCUSED UNDER THIS PARAGRAPH SHALL
22 TAKE ALL ACTIONS NECESSARY TO OBTAIN A RULING ON THE REQUEST BEFORE THE DATE
23 ON WHICH THE PERSON IS SCHEDULED TO APPEAR FOR JURY DUTY.

24 (c) UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP IS LIMITED TO THE
25 FOLLOWING CIRCUMSTANCES IN WHICH A PERSON:

26 (i) WOULD BE REQUIRED TO ABANDON A PERSON UNDER THE POTENTIAL JUROR'S
27 CARE OR SUPERVISION DUE TO THE IMPOSSIBILITY OF OBTAINING AN APPROPRIATE
28 SUBSTITUTE CAREGIVER DURING THE PERIOD OF PARTICIPATION IN THE JURY POOL OR
29 ON THE JURY.

30 (ii) WOULD INCUR COSTS THAT WOULD HAVE A SUBSTANTIAL ADVERSE IMPACT ON
31 THE PAYMENT OF THE PERSON'S NECESSARY DAILY LIVING EXPENSES OR ON THOSE FOR
32 WHOM THE POTENTIAL JUROR PROVIDES REGULAR EMPLOYMENT OR THE PRINCIPAL MEANS
33 OF SUPPORT.

34 (iii) WOULD SUFFER PHYSICAL HARDSHIP THAT WOULD RESULT IN ILLNESS OR
35 DISEASE.

36 (d) Undue or extreme physical or financial hardship does not exist
37 solely based on the fact that a prospective juror will be required to be
38 absent from the prospective juror's place of employment.

39 (e) A person who requests to be excused under this paragraph shall
40 provide the judge or jury commissioner with documentation that supports the
41 request to be excused, such as federal and state income tax returns, payroll
42 records, medical statements from physicians licensed pursuant to title 32,
43 proof of dependency or guardianship or other similar documents. The judge or
44 jury commissioner may excuse a person if the documentation clearly supports

1 the request to be excused. These documents are not public records and shall
2 not be disclosed to the general public.

3 4. 5. The prospective juror is a peace officer who is certified by
4 the Arizona peace officer standards and training board and who is employed as
5 a peace officer by this state or any political subdivision of this state. The
6 employer of a peace officer shall not in any way influence the peace officer
7 to make or not to make an application to the court, pursuant to this section,
8 to be excused from jury service.

9 6. A JUDGE OR JURY COMMISSIONER OF THE COURT FOR WHICH THE PERSON WAS
10 CALLED TO JURY SERVICE EXCUSES THE PROSPECTIVE JUROR FOR GOOD CAUSE BASED ON
11 A SHOWING OF UNDUE OR EXTREME HARDSHIP UNDER THE CIRCUMSTANCES, INCLUDING
12 BEING TEMPORARILY ABSENT FROM THE JURISDICTION OR A LACK OF TRANSPORTATION.

13 C. NOTWITHSTANDING SUBSECTION B, A PROSPECTIVE JUROR WHO IS AT LEAST
14 SEVENTY-FIVE YEARS OF AGE MAY SUBMIT A WRITTEN STATEMENT TO THE COURT
15 REQUESTING THAT THE PERSON BE EXCUSED FROM SERVICE. THE PROSPECTIVE JUROR
16 MAY REQUEST TO BE EXCUSED TEMPORARILY OR PERMANENTLY. ON RECEIPT OF THE
17 REQUEST, THE JUDGE OR JURY COMMISSIONER SHALL EXCUSE THE PROSPECTIVE JUROR
18 FROM SERVICE.

19 G. D. A person who is excused temporarily pursuant to this section
20 becomes eligible for qualification as a juror when the temporary excuse
21 expires unless the person is permanently excused from jury service.

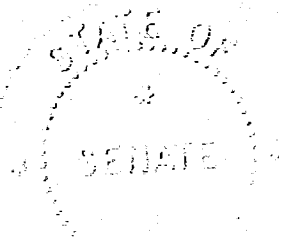
22 H. E. A person may be permanently excused only if the deciding judge
23 or jury commissioner determines that the underlying grounds for being excused
24 are permanent in nature OR THE PERSON IS PERMANENTLY EXCUSED UNDER
25 SUBSECTION C.

26 Sec. 2. Emergency

27 This act is an emergency measure that is necessary to preserve the
28 public peace, health or safety and is operative immediately as provided by
29 law.

APPROVED BY THE GOVERNOR APRIL 13, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2005.



HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 07, 2005,

by the following vote: 45 Ayes,

8 Nays, 7 Not Voting

with emergency

Speaker of the House

Norman L. Moore

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7th day of April, 2005.

at 4:23 o'clock P. M.

Wendee L. Harris
Secretary to the Governor

Approved this 13 day of

April, 2005,

at 9:30 o'clock A. M.

Janet N. Miller
Governor of Arizona

H.B. 2305

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of April, 2005.

at 11:04 o'clock A. M.

Janice K. Brewer
Secretary of State